

Date: April 13, 2001

From: Charles F. Wilson III
Manager,
External Civil Rights Branch
Office of Equal Opportunity

Phone: 360-705-7086

Subject: DBE credit for Petersen Brother's
subcontractor project participation

To: All Concerned Parties.

This memo serves to notify all prime contractors participating on United States Department of transportation (USDOT) federal financially-assisted projects administered by the Washington State Department of Transportation (WSDOT) or a sub-recipient of USDOT federal financial-assistance, that the previous subject "Notice to Contractors" "*Petersen Brothers, Inc. DBE Program ineligibility*" has been rescinded.

It was brought to the Department's attention, that pursuant to 49 Code of Federal Regulations, Section 26.87 (h) (2) (i) (2), **'the portion of an ineligible firm's performance of the contract remaining after receipt of its notice of ineligibility may count toward the contract goal'**.

The above referenced federal regulation is in direct contradiction with guidelines found in the WSDOT DBE Program Participation Plan. That being the case, the federal requirement would take precedence. Thus, the Department has determined that Petersen Brothers, Inc. DBE participation on all contracts **awarded and executed before February 21, 2001** shall be counted (100%) towards the prime contractors DBE attainment.

The WSDOT DBE Program Participation Plan will be amended to reflect federal regulation.

If you have any questions and/or concerns relating to the above information, please feel free to

cc: